

DEPARTMENT OF NATURAL RESOURCES

DIRECTOR'S ANNUAL REPORT: 2015

IC 4-22-2-28.1(k)

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October 14, 2015

Forwarded to:

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ANNUAL REPORT

IC 4-22-2-28.1(k)

TITLE 312 NATURAL RESOURCES COMMISSION

IC 4-22-2-28.1(k) Responses

IC 4-22-2-28.1(k) Responses

The number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved

ARTICLE 1. DEFINITIONS

LSA Document #13-169(F)

Questions were received regarding definitions associated with riparian rights, public freshwater lakes, navigable waters, and fish and wildlife. It is unknown whether the inquiries were made by small businesses.

ARTICLE 3. ADJUDICATORY PROCEEDINGS

LSA Document #14-27(F)

The Natural Resources Commission, Division of Hearings receives calls during the fiscal year from persons asking for information regarding administrative procedures in adjudicatory proceedings, such as questions regarding: (1) filing and service procedures; (2) application of the "Trial Rules" (not typically using that term, but that is to what the questions amount); (3) responsibility for identifying affirmative defenses (most often "riparian rights"); and (4) other requirements under 312 IAC 3-1. The Natural Resources Commission, Division of Hearings, receives approximately two calls per week (104 per year) from persons requesting information regarding administrative procedures in adjudicatory proceedings. It is unknown whether the inquiries were made by small businesses.

ARTICLE 5. BOATING ON PUBLIC WATERS OF INDIANA

LSA Document #14-296(F)

A public hearing was held near Simonton Lake on October 23, 2014 to satisfy the requirements of the rule making process. Six members of the public participated and all were in favor of adopting the rule to establish the boating zone on Simonton Lake. None of the participants indicated they were from a small business. Nine individuals also submitted written comments on the rule prior to the public hearing and all again were favorable to establishing the protected zone. None of those offering written comments indicated they were from a small business. A number of those submitting written comments were also at the public hearing.

Since January 28, 2015, there have been two contacts with the chair of the Simonton Lake Ecozone committee, Amy Matherly. The first occasion in February 2015 was regarding buoys to mark the Ecozone. Amy Matherly was contacted on July 27, 2015 again when she reported that all is going well with the ecozone and users seem to accept the restrictions put on the small area of the lake without complaint. There were no contacts received from small businesses regarding this rule.

ARTICLE 6.2. GREAT LAKES BASIN WATER MANAGEMENT

LSA Document #13-335(F)

There have been approximately fifty (50) general comments, twenty five (25) questions, and no complaints from small business with regard to this rule adoption. [Reported by SBRC Basch]

This rule proposal has a high profile and has generated numerous comments, complaints, and questions—many of which were information and might even be characterized as casual. Four public hearings were conducted for the rule adoption, and I also presented the subject at a continuing legal education seminar. My best estimate is there have been 40 comments, eight complaints, and 75 questions. Attribution of numbers to a small business is impossible since the reason for interest was rarely explained. To the extent comments, complaints, and questions were from an identifiable sources, the source was typically a nongovernmental organization, a large business, or a municipality. [Reported by SBRC Lucas]

LSA Document #08-531(F)

There have been approximately fifty (50) general comments, twenty five (25) questions, and no complaints from small business with regard to this rule adoption (same as reported for LSA Document #13-335(F)).

ARTICLE 8. PUBLIC USE OF NATURAL AND RECREATIONAL AREAS

LSA Document #11-421(F)

Received approximately 19 communications regarding **LSA Document #11-421(F)** *Firewood on DNR Property* between June 30, 2014 and the June 30, 2015 fiscal year end. The following is a general breakdown by category:

- Visitor Complaints = 0
- Visitor Questions = 15
- Small Business Complaints = 0
- Small Business Questions = 4

ARTICLE 9. FISH AND WILDLIFE

LSA Document #13-341(F)

Three comments regarding the river otter season in 312 IAC 9-3-18.2. Two of the comments were in support of the rule proposal, and one was in opposition.

LSA Document #14-453(F)

One comment was submitted by a small business regarding the rule proposal in 312 IAC 9-3-3 to allow the use of high-powered rifles. Two comments were submitted by small businesses regarding the rule proposal in 312 IAC 9-3-15 governing the taking of nuisance wild animals.

ARTICLE 12. WATER WELL DRILLING AND GROUND WATER

LSA Document #14-204(F)

There have been approximately twenty (20) general comments, ten (10) questions, and no complaints from small business with regard to this rule adoption.

The Division of Water received one comment from small business regarding these rule amendments (specifically 312 IAC 13-8-1) during the most recent fiscal year.

ARTICLE 13. WATER WELL DRILLERS

LSA Document #11-332(F)

There have been approximately twenty (20) general comments, forty (40) questions, and two (2) complaints from small business with regard to this rule adoption.

ARTICLE 19. RESEARCH, COLLECTION, QUOTAS, AND SALES OF PLANTS

LSA Document #10-60(F)

Received one question from a dealer regarding the legality of a harvester of ginseng to place ginseng "on hold by permission of the Department". (The Department's "permission" is established in the rule and provided by the issuance of a Certificate of Origin, then an "ON HOLD" report to the Department. Said Certificates and the additional documents required are only available to Licensed Dealers.)

Received one question requesting the interpretation of difference between an individual versus a business license. The question was "May an individual working for a business travel and trade on that business license?" As practiced, the answer is that only the individual dealer whose name appears on the business license may travel and trade on that license. Business staff may conduct trade on that business license on premises at the address listed for the business, but need to be individually licensed to trade off site.

ARTICLE 26. GRANT PROGRAMS

LSA Document #13-446(F)

Total of four questions (with numerous e-mails concerning those questions) during the FY2015 cycle were received. These questions involved the use of Sportsmen's Benevolence Fund (SBF) logos, the creation of an Indiana 501(c)(3) to meet the grant requirements for funding, the levels of funding for various grantees and standard contract grantor/grantee questions. To the best of my knowledge, no complaints were received.

The number of complaints or questions reported that were resolved to the satisfaction of the agency and the small businesses involved.

ARTICLE 1. DEFINITIONS

LSA Document #13-169(F)

It is believed that the questions received regarding definitions associated with riparian rights, public freshwater lakes, navigable waters, and fish and wildlife were answered to the satisfaction of the inquirers. However, it is unknown whether the inquiries were made by small businesses.

ARTICLE 3. ADJUDICATORY PROCEEDINGS

LSA Document #14-27(F)

It is believed that the questions received regarding adjudicatory proceedings were answered to the satisfaction of the inquirer and agency; however, it is unknown whether the questions were posed by small business.

ARTICLE 5. BOATING ON PUBLIC WATERS OF INDIANA

LSA Document #14-296(F)

There were no contacts from small businesses so there were no complaints or questions to resolve or address.

ARTICLE 6.2. GREAT LAKES BASIN WATER MANAGEMENT

LSA Document #13-335(F)

All questions and complaints have been addressed and resolved for this rule adoption. [SBRC Basch]

When the rule proposal was presented to the Natural Resources Commission for final adoption, no person rose in opposition. [SBRC Lucas]

LSA Document #08-531(F)

All questions and complaints have been addressed and resolved for this rule adoption (same as reported for LSA Document #13-335(F)).

ARTICLE 8. PUBLIC USE OF NATURAL AND RECREATIONAL AREAS

LSA Document #11-421(F)

All questions were provided detailed replies to the extent that no further discussion was necessary or correspondence left open ended. All correspondence was resolved with satisfaction.

ARTICLE 9. FISH AND WILDLIFE

LSA Document #13-341(F)

Two comments were resolved to the satisfaction of the DNR and the businesses involved. One comment was not resolved to the satisfaction of the business involved because the business did not support the otter season, but it was resolved to the satisfaction of the DNR.

LSA Document #14-453(F)

One comment was resolved to the satisfaction of the small business and the DNR regarding the rule proposal in 312 IAC 9-3-3. Two comments were not resolved to the satisfaction of the businesses involved since they were opposed to the rule change in 312 IAC 9-3-15 to allow individuals to assist landowners or tenants in taking certain nuisance wild animals outside the season. However, these comments were resolved to the satisfaction of the DNR.

ARTICLE 12. WATER WELL DRILLING AND GROUND WATER

LSA Document #14-204(F)

All complaints and questions received by the Division of Water with regard to these rule amendments are believed to have been addressed and resolved to the satisfaction of the Division and small business.

ARTICLE 13. WATER WELL DRILLERS

LSA Document # 11-332(F)

All questions and complaints have been addressed and resolved for this rule adoption.

ARTICLE 19. RESEARCH, COLLECTION, QUOTAS, AND SALES OF PLANTS

LSA Document #10-60(F)

Both questions were easily resolved to full satisfaction of the parties involved.

ARTICLE 26. GRANT PROGRAMS

LSA Document #13-446(F)

All questions reported above were resolved to the satisfaction of both the small businesses and the IDNR Law Enforcement Division.

The total number of staff serving as coordinators under this section during the most recent state fiscal year

There were 26 staff members serving as coordinators for a total of 49 rules under IC 4-22-2-28.1 during the State fiscal year 2014–2015.

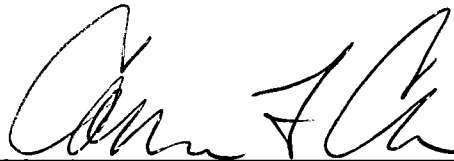
The agency's costs in complying with this section during the most recent state fiscal year

Total cost reported by the small business regulatory coordinators in the fiscal year 2014–2015 is \$19,311.71.

The projected budget required by the agency to comply with this section during the current state fiscal year

The projected budget required by the agency to comply with this section during the current 2015-2016 state fiscal year is \$19,910.37.

DATE: October 14, 2015



Cameron F. Clark
Director
Department of Natural Resources

(SBRC Report: Final rules filed during 2014 – 2015 Fiscal Year)

- LSA Document #14-453(F)
- LSA Document #14-341(F)
- LSA Document #14-296(F)
- LSA Document #14-294(F)
- LSA Document #14-204(F)
- LSA Document #14-106(F)
- LSA Document #14-105(F)
- LSA Document #14-97(F)
- LSA Document #14-67(F)
- LSA Document #14-65(F)
- LSA Document #14-25(F)
- LSA Document #13-528(F)
- LSA Document #13-448(F)
- LSA Document #13-446(F)
- LSA Document #13-335(F)

(SBRC Report: Final rules filed during 2013 – 2014 Fiscal Year)

LSA Document #14-27(F)
LSA Document #14-17(F)
LSA Document #13-294(F)
LSA Document #13-184(F)
LSA Document #13-170(F)
LSA Document #13-169(F)
LSA Document #13-162(F)
LSA Document #13-125(F)

(SBRC Report: Final rules filed during 2012 – 2013 Fiscal Year)

LSA Document #12-555(F)
LSA Document #12-554(F)
LSA Document #12-270(F)
LSA Document #12-218(F)

(SBRC Report: Final rules filed during 2011 – 2012 Fiscal Year)

LSA Document #11-421(F)
LSA Document #11-332(F)
LSA Document #11-177(F)
LSA Document #11-103(F)
LSA Document #11-42(F)
LSA Document #10-668(F)

(SBRC Report: Final rules filed during 2010 – 2011 Fiscal Year)

LSA Document #11-2(F)
LSA Document #10-566(F)
LSA Document #09-876(F)

(SBRC Report: Final rules filed during 2009 – 2010 Fiscal Year)

LSA Document #10-161(F)
LSA Document #10-60(F)
LSA Document #10-51(F)
LSA Document #10-38(F)

LSA Document #10-37(F)
LSA Document #10-33(F)
LSA Document #09-199(F)
LSA Document #09-152(F)
LSA Document #09-137(F)

(SBRC Report: Final rules reported, and filed during 2008 – 2009 Fiscal Year)

LSA Document #09-155(F)
LSA Document #09-154(F)
LSA Document #09-153(F)
LSA Document #08-531(F)